
SENATE BILL No. 280

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2-46; IC 13-21.

Synopsis: Solid waste management districts. Allows a county to determine not to be a solid waste management district or part of a joint district. Repeals an obsolete statute.

Effective: Upon passage.

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January 6, 2005, read first time and referred to Committee on Energy and Environmental Affairs.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 280

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-21-1-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Revisions of the
3 state plan must be

4 ~~(1) developed with the advice of the solid waste planning advisory~~
5 ~~council established by IC 13-21-2-1; and~~

6 ~~(2) implemented using the procedures set forth in section 1 of this~~
7 ~~chapter.~~

8 SECTION 2. IC 13-21-3-1 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as
10 provided in ~~subsection (b)~~, **subsections (b) and (d)**, each county shall,
11 by ordinance of the county executive:

12 (1) join with one (1) or more other counties in establishing a joint
13 solid waste management district that includes the entire area of all
14 the acting counties; or

15 (2) designate itself as a county solid waste management district.

16 (b) Notwithstanding subsection (a)(1), if a county withdraws from
17 **or is removed from** a joint solid waste management district under

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IC 13-21-4, the county executive of the county may adopt an ordinance to:

(1) join another or establish another joint solid waste management district with one (1) or more other counties:

(1) (A) not earlier than fifteen (15) days; or

(2) (B) not later than forty-five (45) days;

after the date the ordinance is introduced; **or**

(2) **determine that the county is not:**

(A) **a designated county solid waste management district;**

or

(B) **part of a joint solid waste management district.**

(c) An ordinance adopted under subsection (a)(1) or ~~(b)(1)~~ must include the approval of an agreement governing the operation of the joint district.

~~(d) If a county fails to comply with this section, the commissioner shall designate the county as a solid waste management district.~~

(d) Notwithstanding subsection (a)(2), the county executive of a county that designates itself as a county solid waste management district may adopt an ordinance determining that the county is not:

(1) a designated county solid waste management district; or

(2) part of a joint solid waste management district.

(e) A county that adopts an ordinance under:

(1) subsection (b)(2) is subject to IC 13-21-4; or

(2) subsection (d) is subject to IC 13-21-4 and is treated in the same manner as a county that withdraws from a joint district that consists of only two (2) counties, except that:

(A) the county is not subject to the requirements under IC 13-21-4 to submit documentation to another county; and

(B) the termination of the district is effective on the effective date specified in the resolutions referred to in IC 13-21-4-2(b).

SECTION 3. IC 13-21-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **If a county is a designated county solid waste management district or part of a joint solid waste management district, all of the incorporated and unincorporated territory of a the county must be included in the designated county solid waste management district. or the joint solid waste management district to which the county belongs.**

SECTION 4. IC 13-21-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **Except as provided in subsection (e),** if a county withdraws from or the county

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executives of a joint district remove a county from a joint district, the county must:

- (1) designate itself as a new county district;
- (2) join one (1) or more other counties to form a new joint district;
- or
- (3) join an existing joint district;

under the procedures set forth in IC 13-21-3.

(b) If a county:

- (1) designates itself as a new county district; or
- (2) joins one (1) or more other counties to form a new joint district;

the county district or new joint district shall submit a district plan to the commissioner as provided under IC 13-21-5.

(c) If a county joins an existing joint district, the joint district shall amend the joint district's district plan as provided under IC 13-21-5.

(d) If a county withdraws or is removed from a joint district that consists of more than two (2) counties, the joint district shall amend the joint district's district plan as provided under IC 13-21-5.

(e) A county referred to in subsection (a) may make a determination under IC 13-21-3-1(b)(2).

SECTION 5. IC 13-11-2-46 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 6. **An emergency is declared for this act.**

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